

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gary Foose on October 22, 2007.

The application has been amended as follows:

In claim 11, the last line, replace "neither integral with nor extending" with -- broken from and not extending--.

2. The following is an examiner's statement of reasons for allowance:

3. The amendment submitted on October 12, 2007 has been entered. Claims 1, 2, 5 – 10, and 17 – 27 have been cancelled. Claims 3 and 4 have been amended. Therefore, claims 3, 4, and 11 – 16 are pending.

4. The amendment to the claims is sufficient to overcome the 35 USC 102 over Provost et al. (2004/0157036) since Provost et al. fails to teach that the tufts include fibers both fibers which are integral with and extending from the first precursor web and fibers which are broken from and not extending from the first precursor web.

5. The amendment to the claims is sufficient to overcome the 35 USC 102 and 35 USC 103 over Sorimachi et al. (5,508,080) since Sorimachi et al. fails to teach that the tufts include fibers both fibers which are integral with and extending from the first precursor web and fibers which are broken from and not extending from the first precursor web.

6. The amendment to the claims is sufficient to overcome the 35 USC 102 and 35 USC 103 over Hansson et al. (6,048,600) since Hansson et al. fails to teach that the tufts include fibers both fibers which

are integral with and extending from the first precursor web and fibers which are broken from and not extending from the first precursor web.

7. The terminal disclaimers filed on October 12, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration dates of US Patent 7,172,801 and US Patent Applications 10/737,235, 10/737,430, 10/737,640, and 11/156,020 have been reviewed and is accepted. The terminal disclaimers have been recorded.

8. The prior art fails to teach or suggest a fibrous web comprising a first region and a plurality of second regions wherein the second regions each comprise a portion being a discontinuity exhibiting a linear orientation and at least another portion being a deformation, wherein the deformation comprises fibers integral with and extending from the first region and fibers broken from and not extending from the first region. Claim 11 was amended since the term integral is defined on page 7 of the disclosure as describing tufts which have originated from the fibers of the first precursor web to distinguish from fibers introduced to or added to a separate precursor web (disclosure, page 7, lines 5 – 11). The closest prior art, Chen et al. (5,990,377) discloses an embossed tissue layer, which would have a base layer with the first and second regions wherein the second region has a discontinuity and deformations extending from the first regions with hydrophobic fibers applied to the top of the deformations (columns 37 and 38). However, Chen et al. discloses that the base is made from a hydrophilic tissue layer and the fibers applied to the top of the deformations are coated with hydrophobic fibers. Thus, the hydrophobic fibers cannot read on the fibers broken from the first region, i.e., the base layer, since the hydrophobic fibers are made from different materials to give the composite material desired wicking properties and would not be made from the same fibers used to produce the base layer. Further, the loose fibers would not be intermingled with the tissue layer to the same degree if they were added instead of produced by breaking from the first web itself. Thus, claims 3, 4, and 11 – 16 are allowed over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Johnson whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jlj
October 23, 2007

/Jenna-Leigh Johnson/
Primary Examiner
Art Unit 1794